

## REMARKS

As an initial matter, the Applicant thanks the Examiner for his thorough review of the present application. In the application, claims 1-7 and 21 are currently pending. The Examiner has allowed claim 21. Claims 1-7 have been rejected under §103(a) as being unpatentable over Siiter (U.S. Pat. No. 6,901,969) in view of Wildi (U.S. Pat. No. 3,590,464) and Di Maio (U.S. Pat. No. 4,005,519). In response, the Applicant has amended the rejected claims and, as argued below, believes it has traversed the outstanding rejections. As such, the Applicant respectfully requests reconsideration and allowance of claims 1-7.

## CLAIM AMENDMENTS

The Applicant has amended independent claim 1 to clarify its invention. In particular, the Applicant has amended the claim to clarify that the positioning means that includes a pair of opposed tube pushers which hold a conduit relative to a threaded element. Further, the claimed insertion means employs these tube pushers to insert the threaded element into the conduit. Support for these amendments can be found at paragraphs [0046] – [0049] and in FIGS. 8-12 of the Application as originally filed. As such, no new matter has been entered.

## CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 1-3 were again rejected under 35 U.S.C. § 103(a) as being unpatentable over Siiter in view of Wildi et al. Applicants hereby traverse the subject rejection, it being respectfully submitted that a *prima facie* case of obviousness has not been established as to independent claim 1, because neither Siiter nor Wildi show a positioning means that includes a pair of opposed tube pushers which hold a conduit relative to a threaded element. Moreover, the cited references fail to teach or suggest an insertion means that employs tube pushers to insert the threaded element into a conduit.

Turning now to Wildi, this reference discloses a magnetic forming device 20 that generates a time varying magnetic field for causing an “outer member” 40 to compress over a “female member” 44. See Wildi at FIG. 1; col. 3, lines 43-63. Additionally, no substantial detail is given in Wildi about how the outer member 40 and female (or other) member 44 are positioned, or how the female member 44 is inserted into the outer member 40. Given these significant operational differences, and lack of disclosure, it cannot reasonably be concluded that Wildi discloses the positioning means or insertion means that utilize a pair of opposed tube pushers as recited in claim 1.

As stated previously, Siiter shows a hand-actuated<sup>1</sup> device for crimping a conduit to a plug. As explained in Siiter at col. 6, line 61-col. 7, line 6:

As shown in FIG. 9A, a pneumatic fixture is bench mounted, with a peg extending vertically from the bench. A plug is slipped over the peg, as shown in FIG. 9B. The plug is covered with a conduit, shown in FIG. 9C, which preferably has a 1/2" or 3/4" diameter. Using the pneumatic crimping device, the conduit is crimped, preferably in only about one second, onto the plug, as shown in FIG. 9D.

Regarding the “positioning means” of amended claim 1, Siiter fails to show (i) a pair of opposing tube pushers, which are used to vertically hold a length of conduit relative to the threaded element. With respect to the “insertion means” of amended claim 1, Siiter fails to show (i) tube pushers for forcing tubing or conduit in a downward, substantially vertical motion and over the head of a threaded element.

As should be appreciated, Siiter fails to show the same structure as the present application for carrying out the functions of the various “means” recited in claim 1. Additionally, because Siiter is generally related to a simple hand actuated device, it is Applicants’ position that Siiter fails to disclose structure that is equivalent to any of that disclosed in the present application for carrying out the functions of the various “means” recited in claim 1. For example, in regards to the “insertion means,” Siiter

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<sup>1</sup> Reference is made to the original drawings of U.S. Provisional Application No. 60/346,526, filed January 8, 2002, from which Siiter claims priority, which show that the device of FIGS. 9A-9D is hand actuated.

discloses manually disposing a length of conduit over a plug. (Again, reference is made to Footnote No. 1, as demonstrating that the device in FIGS. 9A-9D in Siiter is hand actuated.) It cannot reasonably be said that a process involving placing a conduit over a plug by hand is the same, or achieves the same result, as a process that involves the use of a pair of opposed tube pushers. See M.P.E.P. at § 2183 ("Factors that will support a conclusion that the prior art element is an equivalent are: (A) the prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification.")

Because Siiter and Wildi fail to show, alone or in combination, the same or equivalent structure as disclosed in the present application for carrying out the various "means" elements of amended claim 1, it follows that the references in combination do not disclose all the elements and limitations recited in claim 1. Accordingly, it is believed that a *prima facie* case of obviousness has not been established as to claim 1.

Claims 2-3, which depend from claim 1, are believed allowable as depending from an allowable base claim. Applicants further aver that the additional subject matter of at least some of these claims would not have been obvious in light of the references cited in the Office Action. However, again considering that claim 1 is believed allowable, further argument as to this point is not included herein, for the sake of brevity. Applicants reserve the right to further address the issue of obviousness as to these claims, pending the Examiner's reconsideration of claim 1 in light of the remarks above.

In addition, the Examiner has rejected claims 4 – 7 as being unpatentable over Siiter in view of Wildi and in further view of Di Maio. The Examiner posits that Di Maio discloses a rack and pinion gear mechanism, which would be obvious to combine with modified Siiter.

As discussed above, however, neither Siiter nor Wildi teach or suggest a positioning or insertion means that includes or employs a pair of opposed tube pushers.

Di Maio adds nothing to the teachings of Siiter and Wildi. That is, Di Maio does not disclose the use of opposed tube pushers as claimed.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that pending claims 1-15, 21, and 22 are in condition for allowance and action to that effect is earnestly solicited.

It is believed that no additional fees or deficiencies in fees are owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any fees are owed.

Respectfully submitted,

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